

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- November 16, 1966

Appeal No. 8997 Louis and Eleanor Munan, appellants.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and carried with Messrs. Arthur B. Hatton and William S. Harps dissenting, the following Order was entered at the meeting of the Board on November 29, 1966.

EFFECTIVE DATE OF ORDER - August 14, 1967

ORDERED:

That the appeal for permission to change a nonconforming use from a rooming and boarding house to an apartment house at 2131 Massachusetts Avenue, NW., lot 1, square 2513, be granted as amended.

FINDINGS OF FACT:

- (1) Appellants' property is located in an R-3 District.
- (2) The subject property is a triangular lot with Massachusetts Avenue at the apex, Florida Avenue and 22nd Street. The lot contains approximately 1998 square feet of land.
- (3) The property is improved with a five story brick building occupying almost 100% of the lot.
- (4) The appeal was amended at the public hearing to include an alternative request for a variance from the use provisions of the R-3 District to permit the use of the building as an apartment house.
- (5) The building is presently used as a rooming-and-boarding house and has been so used since 1936. The building contains some twenty-five (25) bedrooms and will accommodate approximately fifty (50) roomers. The property was used as a private school from 1929 to 1936 under occupancy permit No.26964 issued April 4, 1929. Prior to 1929 the building was used as a private sanitarium.

(6) It is proposed to use the building as an apartment house containing five (5) apartments, each occupying one floor and having approximately 1,800 square feet of ~~G~~ross floor area. An elevator will be installed. The average rental is anticipated to be approximately \$425.00 per month per apartment.

(7) The Department of Licenses & Inspections has required the owner to make certain corrections in the premises to overcome deficiencies cited after an inspection conducted August 27, 1965. (See Exhibit No. 1)

(8) The present use of the property as a rooming and boarding house provides no off-street parking. There will be no off-street parking for the apartment house as the property occupies almost 100% of the lot.

(9) Opposition was registered at the public hearing to the granting of this appeal.

OPINION:

We deny the request for the change of a nonconforming use of the subject property and amend the application to include an alternative request for a variance of the use provisions of the R-3 District.

We are of the opinion that appellant has proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the request will result in peculiar and exceptional practical difficulties and undue hardship upon the owner. The size and shape of the subject property is such that it is impractical for use for construction of a single family dwelling in accordance with existing zoning. As now used, the building is very densely populated. With the granting of the apartment use, there will be a significant decrease in density. Therefore, we conclude that the apartment would be a more compatible use of the R-3 property than the rooming and boarding house.

We hold that the requested relief will have no adverse affect upon nearby and adjoining property and will not be detrimental to the public good nor substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.